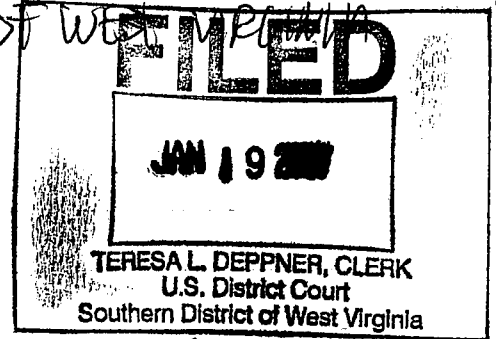


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA



MICHAEL KOKOSKI,
Plaintiff,

v.

CHARLES T. Felts,
Defendant.

Civil Action No. 5:07-0039

CIVIL RIGHTS COMPLAINT FOR MONEY DAMAGES

COME NOW the Plaintiff, MICHAEL KOKOSKI, acting pro se, in the above styled case pursuant to Title 28, U.S.C. 1331 and the First Amendment to the Constitution for the United States of 1789 ("constitution"), and hereby files this Complaint to vindicate basic constitutional rights of federal prisoners and to recover any damages from the Defendant for having deliberately impinged Plaintiff's right to access the courts, as set forth hereinbelow:

1.

At all times relevant to this complaint the Plaintiff has been a citizen of the state of Kentucky and a federal prisoner at the Federal Correctional Institution in Beaver, West Virginia ("FCI Beckley"), located within the Southern District of West Virginia;

2.

At all times relevant to this complaint the Defendant Charles T. Felts has been a citizen of the United States and/or of the state of West Virginia and the Warden at FCI Beckley.

3.

On or about December 22, 2005 Plaintiff was designated to serve his federal sentence(s) in custody of Defendant at FCI Beckley. During which times Plaintiff filed several separate cases to issue the writ of habeas corpus in the cases of Kokoski, v. Felts, 5:06-cv-00024; 5:06-cv-00605; 5:06-cv-00763 and in 5:06-cv-00849 (S.D.W.Va. _____) and a separate civil rights complaint in Kokoski, v. Keller, et al, 5:06-cv-00730 (S.D.W.Va. _____). As well as several motions in

his federal criminal prosecutions (U.S.A. v. Krokoski, 5:92-00090/5:01-00944 and 5:96-00064/5:02-00079 (S.D.W.V.)) and petitions for certiorari in the United States Supreme Court. Id.

4.

However, even though Plaintiff has been incarcerated since January 1, 1999; and has at all times been found to be indigent, by these courts, in each of these cases; And therefore doubtlessly entitled to receive free photocopy duplication of meaningful papers or pleadings at government expense under the Federal Bureau of Prisons ("BOP") program statement 1315.07 and the First Amendment to the Constitution, necessary to access the courts in said cases and/or circumstances. The Defendant has, at all times, denied Plaintiff said right.

5.

Rather, Defendant has unlawfully forced and/or required Plaintiff to sign said form 24's to illegally and unlawfully encumber Plaintiff's Inmate Trust Fund Account in violation of said BOP Program Statement and First Amendment.

6.
Consequently Plaintiff has been forced into debts that he cannot pay, by Defendant's illegal and unlawful practise or policy of forcing Plaintiff to sign form 24's to access the courts. Rather than provide Plaintiff photocopy duplications at government expense. As required of Defendant, except for Defendant's deliberate indifference or incompetence in this matter.

7.
And, at Plaintiff's Team Review on January 16, 2007 at 2pm. Defendant's agents Curtis Lipps; Michael Harding and Barbara Fox told Plaintiff that they will no longer make any photocopy duplications necessary for Plaintiff to access courts, in such cases, under any circumstances. Because Plaintiff had filed an Informal Administrative Remedy concerning this subject.

8.
Based upon the following I Reasonably fear retaliation from Defendant for having attempted to utilize the Administrative Remedy

system concerning the subject of this complaint. And I am indigent and obviously entitled to access the courts in my federal prosecutions; to vindicate basic constitutional rights; and in federal habeas corpus actions. said.

9.

I cannot sleep at nights knowing that District Court records show the fact that the U.S. Attorney's office deliberately fabricated the original search warrant application and affidavit to hide the planned warrantless search and seizure of inadmissible evidence from my private U.S. mail envelope, house, person, rental truck and attorney letter. Then, knowingly used the fruits thereof to indict. Rendering any court action pursuant thereto "null and void", in ~~Kokoski~~ v. U.S. v. Kokoski, ~~5:92-~~ 00090/5:01-00944, supra (pcc. 211, transcript) Id.

10.

Unless I know that I can access the courts to be delivered from such a void judgment. Such as cannot be enforced, as

a matter of law. Id. Supra.

11.
Whereof, Plaintiff seeks an emergency injunction, from the District Court, to enjoin Defendant from enforcing said void judgments. And an order to direct Defendant to duplicate Plaintiff's meaningful papers necessary to access the courts, in said cases, at government expense.

12.
Plaintiff also prays that he receive a jury trial and be awarded any damages that he may be entitled to from Defendant for having violated his civil rights. Including nominal, actual, punitive and/or compensatory damages not less than fifty thousand dollars, in amounts to be determined by a jury.

13.
And that the court declare it unlawful for the government to indemnify Defendant with public funds for having deliberately or

incompetently having violated Plaintiff's constitutional rights in the manner disclosed in the case.

14.

During mandatory discovery under Fed. R. Civ. P. 26.2 or otherwise, Plaintiff reasonably expects Defendant to disclose additional facts and evidence precluding summary judgment under Fed. R. Civ. P. 12 or otherwise. However, due to Plaintiff's extreme poverty and unlawful conditions of confinement, said, he cannot even duplicate the complaint, let alone any relevant exhibits or evidence herein.

15.

I, the undersigned, hereby state and declare under the penalty of perjury that the foregoing facts and claims or allegations are true and correct to the best of my belief and knowledge. So help me GAA.

WHEREFORE, and based upon the foregoing, Plaintiff hereby invokes personal and subject matter jurisdiction of this tribunal to hear this complaint in equity, and to render a verdict

or judgment according to law.

January 16, 2007
DATE J

Respectfully Submitted,
Michael A. Koshik USC 3-99
MICHAEL KOSHICK 0215-001
FCI BECKLEY
PO BOX 350
Beaver, W.V. 25813

Name: MICHAEL KOROSKI
Reg #: 02115-061
Federal Correctional Institution-Beckley
P.O. Box 350
Beaver, WV 25813



Teresa L. Deppner, Clerk
U.S. Dist. Court
P.O. Drawer 5009
Beckley, W. Va. 25801

